

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

JOHN S. H.,

Civil No.: 24-cv-13400

Plaintiff,

Susan K. DeClercq  
United States District Judge

v

Anthony P. Patti  
United States Magistrate Judge

FRANK BISIGNANO,  
COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

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**ORDER FOR REMAND**

The parties have stipulated that this case be remanded under sentence four of 42 U.S.C. § 405(g). Accordingly, under Section 4 of 42 U.S.C. § 405.(g), the final decision of the Commissioner is amended and remanded to the Commissioner to properly address Plaintiff, John Herzog's residual functional capacity solely for the time period of July 2, 2020 through April 23, 2021. During that time period, the Commissioner shall:

- (1) Reconsider Plaintiff's ability to use his bilateral upper extremities considering the objective evidence that surgery was recommended for the left shoulder during this time period and an open rotator cuff repair

surgery was performed shortly after the period at issue. Surgery was not recommended for the right shoulder because multiple tears in the shoulder were not repairable.

- (2) Reconsider Plaintiff's mental RFC explaining why John Herzog would not have a severe mental impairment in the context of the findings of two prior Administrative Law Judges, including one on this application, who found a severe impairment and imposed multiple restrictions that were not appealed or challenged by either parties, with those findings being supported by the Defendant's own physicians and no new medical evidence being submitted since the prior decision.

On remand, the Appeals Council will direct the Administrative Law Judge to offer Plaintiff the opportunity for an additional administrative hearing, shall consider all of the medical opinions of record, elicit additional testimony from a vocational expert if necessary and issue a new decision providing good reasons for their findings.

**IT IS SO ORDERED.**

/s/Susan K. DeClercq  
SUSAN K. DeCLERCQ  
US DISTRICT COURT  
JUDGE

Dated: July 8, 2025